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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,357	02/25/2004	Yuji Kinuzawa	FUJMO 20.952	4863
26304 7590 03/18/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER MILLER, BRANDON J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,357

**Applicant(s)**

KINUZAWA ET AL.

**Examiner**

BRANDON J. MILLER

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10, 11, 17-21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 11, 17-21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Disposition of Claims***

- I. Claims 1-7, 10-11, 17-21, and 24 remain pending in the application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- II. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “a second housing coupled to the first housing and foldable over a rear surface of housing” in lines 6-7. The limitation is unclear because it does not adequately describe the housing that the second housing is foldable over a rear surface of. The limitation renders the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following art rejection is based on the best possible interpretation of the claim language given the rejection under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

III. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

IV. Claims 1-4, 10, 18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald, Jr. et al. (US 6,430,400 B1) and Nagai (US 5,689,824).

Regarding claim 1 MacDonald, Jr. teaches a movable radio communication apparatus comprising (see col. 3, lines 15-20): a speaker that outputs sounds; a first housing that accommodates the speaker and enables the speaker to output the sounds from a front surface of the first housing (see col. 3, lines 27-29 and FIG. 3); an antenna part that communicates with an external apparatus (see col. 3, lines 49-56); a second housing coupled to the first housing and foldable over a rear surface of housing (see col. 3, lines 20-23 & col. 5, lines 7-10 and FIG. 3). MacDonald, Jr. teaches the second housing accommodating the antenna part (see col. 3, lines 49-56). MacDonald, Jr. teaches a mechanism that flips the second housing (see FIG. 5), wherein the second housing is coupled rotatably to the first housing (see col. 4, lines 61-66 & col. 5, lines 7-10 and FIG. 3). MacDonald, Jr. teaches wherein the mechanism includes a forcing part that applies a force to the second housing so as to keep the second housing from the first housing (see col. 5, lines 7-10 & 25-28 and FIG. 5). MacDonald, Jr. teaches a moving part movable between first and second positions (see col. 4, lines 61-66 and FIG. 5).

MacDonald, Jr. does not specifically teach a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing. Nagai teaches a fixing part that fixes the second housing onto the first housing (see col. 4, lines 19-30). Nagai teaches a moving part movable between the first and second positions, and forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing

by the fixing part, and the moving part when located at the first position, enabling the fixing part to fix the second housing (see col. 4, lines 25-40 and FIGS. 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in MacDonald, Jr. to include a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing because such a modification can be incorporated in the device of MacDonald, Jr. using the well known techniques taught in Nagai and it would allow for the antenna of the second housing in MacDonald, Jr. to be more efficiently movable between a first and second position.

Regarding claim 2 MacDonald, Jr. teaches an operation part that inputs communication information, wherein the second housing is provided opposite to the operation part with respect to the speaker (see col. 3, lines 28-29).

Regarding claim 3 MacDonald, Jr. teaches wherein the second housing forms an angle between 90 degrees and 135 degrees relative to the first housing (see col. 3, lines 16-22 and FIG. 3).

Regarding claim 4 MacDonald, Jr. teaches a display that displays communication information (see col. 3, lines 28-29).

Regarding claim 10 Nagai teaches wherein the moving part is provided onto the first housing (see col. 4, lines 31-37 and FIG.2).

Regarding claim 18 MacDonald, Jr. teaches a movable radio communication apparatus comprising (see col. 3, lines 15-20): a speaker that outputs communicatee's voices; a first housing that accommodates the speaker and enables the speaker to output the sounds from a front surface of the first housing (see col. 3, lines 27-29 and FIG. 3); an antenna part that communicates with an external apparatus (see col. 3, lines 49-56); a second housing coupled to the first housing and movable or displaceable relative to a rear surface of the first housing (see col. 3, lines 20-23 & col. 5, lines 7-10 and FIG. 3). MacDonald, Jr. teaches the second housing accommodating the antenna part (see col. 3, lines 49-56). MacDonald, Jr. teaches a mechanism that flips the second housing (see FIG. 5), wherein the second housing is coupled rotatably to the first housing (see col. 4, lines 61-66 & col. 5, lines 7-10 and FIG. 3). MacDonald, Jr. teaches wherein the mechanism includes a forcing part that applies a force to the second housing so as to keep the second housing from the first housing (see col. 5, lines 7-10 & 25-28 and FIG. 5). MacDonald, Jr. teaches a moving part movable between first and second positions (see col. 4, lines 61-66 and FIG. 5).

MacDonald, Jr. does not specifically teach a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing. Nagai teaches a fixing part that fixes the second housing onto the first housing (see col. 4, lines 19-30). Nagai teaches a moving part movable between the first and second positions, and forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing

by the fixing part, and the moving part when located at the first position, enabling the fixing part to fix the second housing (see col. 4, lines 25-40 and FIGS. 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in MacDonald, Jr. to include a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing because such a modification can be incorporated in the device of MacDonald, Jr. using the well known techniques taught in Nagai and it would allow for the antenna of the second housing in MacDonald, Jr. to be more efficiently movable between a first and second position.

Regarding claim 24 MacDonald and Nagai teach a device as recited in claim 10 and is rejected given the same reasoning as above.

V. Claims 5-7, 11, 17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald, Jr. et al. (US 6,430,400 B1) and Nagai (US 5,689,824) and Guetre et al. (US 2004/0204189 A1).

Regarding claim 5 MacDonald, Jr. and Nagai teaches a device as recited in claim 1 except for wherein the second housing accommodates a GPS antenna. Guetre teaches a housing that accommodates a GPS antenna (see Guetre, paragraph [0034]). It would have been obvious to modify the MacDonald, Jr. and Nagai combination to include the antenna being a GPS antenna as taught in Guetre because it is well known in the art that GPS antennas can be



incorporated into portable telephone devices similar to the ones found in MacDonald, Jr. and Nagai.

Regarding claim 6 MacDonald, Jr. and Nagai teaches a device as recited in claim 1 except for wherein the second housing accommodates a Bluetooth antenna. Guetre teaches a housing that accommodates a Bluetooth antenna (see Guetre, paragraph [0034]). It would have been obvious to modify the MacDonald, Jr. and Nagai combination to include the antenna being a Bluetooth antenna as taught in Guetre because it is well known in the art that Bluetooth antennas can be incorporated into portable telephone devices similar to the ones found in MacDonald, Jr. and Nagai.

Regarding claim 7 MacDonald, Jr. and Nagai teaches a device as recited in claim 1 except for wherein the second housing accommodates an image pickup device. Guetre teaches an image pickup device (see Guetre, paragraph [0045]). It would have been obvious to modify the MacDonald, Jr. and Nagai combination to include a housing including an image pickup device as taught in Guetre because it is well known in the art that image pickup devices can be incorporated into portable telephone devices similar to the ones found in MacDonald, Jr. and Nagai.

Regarding claim 11 MacDonald, Jr. teaches a movable radio communication apparatus comprising (see col. 3, lines 15-20): a speaker that outputs sounds; a first housing that accommodates the speaker and enables the speaker to output the sounds from a front surface of the first housing (see col. 3, lines 27-29 and FIG. 3); an operation part that inputs communication information (see col. 3, lines 28-29); a second housing provided opposite to the operation part with respect to the speaker, coupled to the first housing and foldable over a rear surface of the

first housing (see col. 3, lines 20-23 & col. 5, lines 7-10 and FIG. 3). MacDonald, Jr. teaches the second housing accommodating an antenna (see col. 3, lines 49-56). MacDonald, Jr. teaches a mechanism that flips the second housing (see FIG. 5), wherein the second housing is coupled rotatably to the first housing (see col. 4, lines 61-66 & col. 5, lines 7-10 and FIG. 3).

MacDonald, Jr. teaches wherein the mechanism includes a forcing part that applies a force to the second housing so as to keep the second housing from the first housing (see col. 5, lines 7-10 & 25-28 and FIG. 5). MacDonald, Jr. teaches a moving part movable between first and second positions (see col. 4, lines 61-66 and FIG. 5).

MacDonald, Jr. does not specifically teach a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing; and at least one of a GPS antenna, a Bluetooth antenna, and an image pickup device. Nagai teaches a fixing part that fixes the second housing onto the first housing (see col. 4, lines 19-30). Nagai teaches a moving part movable between the first and second positions, and forced to return from the second position to the first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located at the first position, enabling the fixing part to fix the second housing (see col. 4, lines 25-40 and FIGS. 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in MacDonald, Jr. to include a fixing part that fixes the second housing onto the first housing; a moving part forced to return from the second position to the

first position, the moving part when located at the second position, releasing a fixation of the second housing by the fixing part, and the moving part when located as the first position, enabling the fixing part to fix the second housing because such a modification can be incorporated in the device of MacDonald, Jr. using the well known techniques taught in Nagai and it would allow for the antenna of the second housing in MacDonald, Jr. to be more efficiently movable between a first and second position.

It would have also been obvious to further modify the MacDonald, Jr. and Nagai combination to include the antenna being at least one of a GPS antenna, a Bluetooth antenna, and an image pickup device as taught in Guetre (see Guetre, paragraph [0034]) because it is well known in the art that at least one of a GPS antenna, a Bluetooth antenna, and an image pickup device can be incorporated into portable telephone devices similar to the ones found in MacDonald, Jr. and Nagai.

Regarding claim 17 Nagai teaches wherein the moving part is provided onto the first housing (see col. 4, lines 31-37 and FIG.2).

Regarding claim 19 MacDonald and Nagai teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 20 MacDonald and Nagai teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 21 MacDonald and Nagai teach a device as recited in claim 7 and is rejected given the same reasoning as above.

***Response to Arguments***

VI. Applicant's arguments with respect to claims 1-7, 10-11, 17-21, and 24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barvesten Patent No.: US 6,714,802 B1 discloses a portable communication apparatus having first and second user interfaces, and an accessory device comprising a keypad and a display for a portable radio telephone.

VIII. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

IX. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 12, 2008

/Brandon J Miller/  
Examiner, Art Unit 2617

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617